

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KEVIN P. SCUDDER,**

**Petitioner,**

**v.**

**BETTY MITCHELL, Warden,**

**Case No. 2:00-cv-017**

**District Judge Algenon L. Marbley**

**Magistrate Judge Terence P. Kemp**

**Respondent.**

**ORDER ALLOWING BUDGET TO BE FILED UNDER SEAL**

This capital habeas corpus case is before the Court on Petitioner's Unopposed Motion to File Proposed Updated Budget *Ex Parte* and Under Seal. (ECF No. 244.)

Petitioner states that his proposed budget contains sensitive personal information and reveals attorney work product and/or anticipated litigation strategy. Petitioner further notes that this Court has previously permitted defense budgets to be filed *ex parte* and under seal. (*Id.* at PageID 2420 (citing ECF Nos. 111 and 175.)) Finally, Petitioner states that opposing counsel have no objection to this motion.

The Court agrees that budget and fee matters are typically handled *ex parte* and under seal in order to protect an indigent prisoner's rights to equal protection, due process, and the right to counsel. Accordingly, Petitioner's Motion (ECF No. 244) is **GRANTED**. The Clerk is **DIRECTED** to **PERMIT** Petitioner to file his proposed updated budget *ex parte* and under seal.

**IT IS SO ORDERED.**

/s/ Terence P. Kemp

United States Magistrate Judge